

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CERTIFIED MEASUREMENT, LLC,

Plaintiff

v.

**CENTERPOINT ENERGY HOUSTON
ELECTRIC, LLC and ITRON, INC.,**

Defendants.

§
§
§
§
§
§
§
§
§
§

NO. 2:14-cv-627

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING DEFENDANTS CENTERPOINT AND ITRON'S
MOTION TO DISMISS, OR ALTERNATIVELY, FOR A MORE DEFINITE
STATEMENT**

After having given due consideration to the briefing, arguments and issues on: (i) Defendants CenterPoint Energy Houston Electric, LLC (“CenterPoint”) and Itron, Inc.’s (“Itron”) motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) because the asserted patents are directed to ineligible subject matter (“Motion to Dismiss for Patent Ineligibility”); and (ii) CenterPoint and Itron’s motion to dismiss the indirect infringement claims pursuant to Federal Rule of Civil Procedure 12(b)(6) because the Complaint improperly asserts knowledge of the patents for purposes of indirect infringement based on the filing of the Complaint (“Motion to Dismiss Indirect Infringement Claims”); and (iii) CenterPoint and Itron’s motion for a more definite statement of Plaintiff’s patent infringement claims pursuant to Federal Rule of Civil Procedure 12(3) (“Motion for More Definite Statement”),

IT IS THEREFORE ORDERED as follows:

The Motion to Dismiss for Patent Eligibility is **GRANTED**. Plaintiff’s claims for direct infringement and indirect infringement of U.S. Patent Nos. 5,828,751; 6,282,648; 6,289,453; and

8,549,310 are hereby dismissed with prejudice. Each claim of each patent attempts to capture unpatentable abstract subject matter and are therefore invalid under 35 U.S.C. § 101.

The Motion to Dismiss Indirect Infringement Claims is **GRANTED**. Plaintiff's claims for indirect infringement of Patent Nos. 5,828,751; 6,282,648; 6,289,453; and 8,549,310 are hereby dismissed with prejudice.

The Motion for More Definite Statement is **GRANTED**. Plaintiff is ordered to file with this Court and serve on all parties an Amended Complaint containing a more definite statement regarding its claims for patent infringement. The Amended Complaint must specify, for each defendant and each patent, the specific claims alleged to be infringed. The Amended Complaint must be filed within thirty (30) days from the date of this order.

IT IS SO ORDERED.